



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

February 12, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Mark Lovil  
R K Metals LLC  
PO Box 3454  
Tupelo, MS 38803

**Re: R K Metals LLC  
Agreed Order No. 6389 14**

Dear Mr. Lovil:

Enclosed you will find a copy of Agreed Order No. 6389 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The first penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope. All future installment payments should be mailed to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Jaricus Whitlock at (601) 961-5303.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Jaricus Whitlock

Agency Interest No. 17866  
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6389 14

R. K. METALS, LLC  
703 WESTMORELAND DRIVE  
TUPELO, MISSISSIPPI 38803

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and R. K. Metals LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated January 31, 2013, Respondent was contacted by Complainant and notified of the following violations at its facility located at 703 Westmoreland Drive, Tupelo, Mississippi in Lee County:

- A. Respondent exceeded the quarterly maximum limitation for three monitoring periods (1<sup>st</sup> Qtr. 2010, 2<sup>nd</sup> Qtr. 2010, and 4th Qtr. 2011) for the total toxic organics (TTO) parameter promulgated within the Pretreatment Permit No. MSP092008.
- B. On July 24, 2012, a Compliance Evaluation Inspection (CEI) revealed that Respondent failed to include and report a complete summary of monitoring results for Discharge Monitoring Report (DMR) parameter value determinations during

the 1<sup>st</sup> quarter of 2012 as required by Condition S-2 of the Pretreatment Permit No. MSP092008.

- C. Respondent failed to notify Complainant of a facility expansion which may result in a new discharge of waste as required by Condition T-24 of the Pretreatment Permit No. MSP092008.
- D. Respondent exceeded the quarterly average limitation in the 1<sup>st</sup> quarter of 2012 for the zinc parameter promulgated within the Pretreatment Permit No. MSP092008.
- E. Respondent exceeded the quarterly maximum limitation for the chromium parameter promulgated within the Pretreatment Permit No. MSP092008 in the 2<sup>nd</sup> quarter of 2012.
- F. On September 27, 2012, a Compliance Monitoring Inspection (CMI) found Respondent exceeded the quarterly maximum limitations for the zinc and chromium parameters promulgated within the Pretreatment Permit No. MSP092008.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$15,000.00 for the violations described in this order. Payments shall be submitted by Respondent in the form of certified check, company check, or money order no later than the required due dates in the following table:

<b>Payment No.</b>	<b>Date Due</b>	<b>Minimum Payment Amt.</b>
1	January 31, 2014	\$2,500.00
2	February 28, 2014	\$2,500.00

3	March 31, 2014	\$2,500.00
4	April 30, 2014	\$2,500.00
5	May 31, 2014	\$2,500.00
6	June 30, 2014	\$2,500.00

Each payment shall be submitted to the following address:

Mississippi Department of Environmental Quality  
 Attn: Ms. Jennifer Parish  
 P.O. Box 2339  
 Jackson, MS 39225

B. Respondent shall conduct a study over the course of three (3) months on the waste water treatment system employed at the facility to determine its effectiveness in treating Respondent's waste water. This study shall include, at a minimum, all repairs, upgrades, practices and/or procedures necessary to ensure adequate, consistent treatment of Respondent's waste water and compliance with the limitations promulgated in Pretreatment Permit No. MSP092008. The results/findings and any potential modifications/changes shall be compiled in a report, to be submitted to Complainant for review, which shall contain a proposed schedule for Respondent's implementation of any repairs, upgrades, practices and/or procedures. The report shall be submitted to Complainant no later than April 30, 2014.

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not


addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 12 day of February, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
\_\_\_\_\_  
TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 31<sup>st</sup> day of January, ~~2013~~<sup>2014</sup>

R. K. Metals, LLC

BY: [Signature]  
MARK LOVELL

TITLE: Manager

STATE OF MS

COUNTY OF Lee

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named MARK LOVELL who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the MANAGER of R K Metals LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 31 day of January, 2013.

[Signature]  
NOTARY PUBLIC

My Commission expires: July 21, 2017

